THE HONOURABLE SRI JUSTICE E. DHARMA RAO

W.P. No. 22386 of 2005

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Dated: 14.10.2005

Between:-

Kalpasutra Enterprises, represented by its Proprietor

Smt. Heera A. Shah

…Petitioner

And

The District Collector, Rangareddy District,

Khairatabad, Hyderabad and two others.

…Respondents

THE HONOURABLE SRI JUSTICE E. DHARMA RAO

W.P. No. 22386 of 2005

O R D E R

This Writ Petition is filed seeking a writ of Mandamus to declare that the order

passed by the second respondent vide proceeding No. G/652/-1/2005, dated 20.07.2005, as illegal and arbitrary.

The case of the petitioners is that he is the proprietor of Kalpasutra Enterprises and as such he is challenging the order passed by the second respondent vide proceedings No. G/652/-1/2005 dated 20.07.2005, which was received by somebody on behalf of himself as quite illegal and arbitrary. He has purchased the following lands for establishing Jain Temple from the original pattadars in the year 1999-2000-2001 which are as follows;-

Survey No. 161 to an extent of Ac. 5.00

Survey No. 161/1 to an extent of Ac. 2.20 gts.

Survey No. 161/1 to an extent of Ac. 2.21 gts.

Survey No. 161/1 to an extent of Ac. 2.01 gts.

Survey No. 161/1 to an extent of Ac. 1.20 gts.

Survey No. 161/1 to an extent of Ac. 1.02 gts.

Survey No. 161/6 to an extent of Ac. 5.00

Survey No. 161/6/2 to an extent of Ac.5.00

Survey No. 162 to an extent of Ac. 5.00

Survey No. 162 to an extent of Ac. 1.02 gts.

Survey No. 162 to an extent of Ac.3.00

Survey No. 161/4 – nil

Total admeasuring Ac. 29.30 gts. situated at Kummera village under valid registered documents registered with Sub-Registrar office and accordingly the above lands were transferred in his name without any objections by the respondents. After purchase of the said lands, he constructed temple and home for age, guest house, Goshala and Achargya guru bhavan and dining hall for pilgrims by investing lot of money and also developed Dam Garden, guest house and the said institution is running from the last five years without any hindrance from anybody. Hence, the order impugned is quite illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

When the writ petition is taken up for hearing, the learned Government Pleader for Revenue took an objection that the writ petition is not maintainable, as the petitioner is provided an alternative remedy under Section 4-A of the Prohibition of Transfer Act. Therefore, the writ petition is not maintainable.

Considering the facts and circumstances of the case, without going into merits or otherwise of the contentions raised herein, I deem it appropriate to dispose of the writ petition, at the stage of admission, with a direction to the petitioner to file an appeal against the order of the Mandal Revenue Officer. Chevella Mandal, Rangareddy District impugned, within a period of two weeks from the date of receipt of a copy of this order and obtain necessary interim orders from the appellate authority in accordance with law. Till such time, the respondents are directed not to dispossess the petitioner from the property in question.

The writ petition is, accordingly, disposed of. No order as to costs.

ELIPE DHARMA RAO, J

Dated: 14.10.2005

vp/dsr

Note

Issue CC by tomorrow

(b/o)

vp/dsr